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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,126	10/21/2003	Anthony J. Sumcad	GP-304031	3646

7590

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EXAMINER

ADDY, ANTHONY S

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/690,126	SUMCAD, ANTHONY J.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Anthony S. Addy	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/12/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 7-12, 14-18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by **Muramatsu., U.S. Publication Number 2003/0193390 (hereinafter Muramatsu).**

Regarding claims 1, 8 and 15, Muramatsu teaches a method, computer usable medium and system for remotely controlling vehicle functions (see paragraph 0005, lines 1-6, paragraph 0066, lines 15-19 and paragraph 0070, lines 1-3), the method, computer usable medium and system comprising: means for receiving a call signal at a telematics unit from a remote communication device, the call signal including an automatic number identification (see paragraph 0067, lines 1-7, paragraph 0086, lines 1-12, paragraph 0097, lines 1-6 and Fig. 16, ST50-ST51); means for determining whether the automatic number identification corresponds to a services authorized number (see paragraph 0067, lines 1-7, paragraph 0086, lines 12-16 and Fig. 16, ST51); means for sending a services selection message based on the determination (see paragraph 0086, lines 15-21, paragraph 0097, lines 5-8, paragraph 0088, line 11

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through paragraph 0089, line 5 and Fig. 16, ST 52 [i.e. The sensor data transmitted by the vehicle remote control system to the mobile phone reads on a services selection message, since the user of the mobile phone remotely controls vehicular functions based on the sensor data received from the vehicle remote control system]); means for monitoring for a user response signal to the services selection message (see paragraph 0087, line 1 through paragraph 0088, line 5); and means for sending a vehicle function command signal based on the user response signal (see paragraph 0088, line 1 through paragraph 0089, line 11 and paragraph 0071, line 2 through paragraph 0073, line 3).

Regarding claims 2, 9 and 16, Muramatsu teaches all the limitations of claims 1, 8 and 15. In addition, Muramatsu further teaches a method, computer usable medium and system, wherein means for determining whether the automatic identification corresponds to a services authorized number comprises: means for reading the automatic number identification of the received call signal (see paragraph 0067, lines 1-4 and paragraph 0086, lines 3-17); means for reading an automatic number identification table, the table corresponding one or more services authorized numbers (see paragraph 0067, lines 1-4, paragraph 0086, lines 12-17 and Figures 1 & 2; M1, M2, M21 and M22); and means for comparing the automatic number identification of the received call signal to the service authorized numbers in the automatic number identification table (see paragraph 0067, lines 1-4, paragraph 0086, lines 12-17, paragraph 0097, lines 3-5, paragraph 0106, lines 7-9 and Figures 1 & 2; M1, M2, M21 and M22).

Regarding claims 3, 10 and 17, Muramatsu teaches all the limitations of claims 2, 9 and 16. In addition, Muramatsu further teaches a method, computer usable medium and system, wherein means for comparing the automatic number identification of the received call signal to the service authorized numbers in the automatic number identification table comprises: means for determining if the automatic number identification of the received call signal matches at least one services authorized number in the automatic number identification table (see paragraph 0067, lines 1-4, paragraph 0086, lines 12-17, paragraph 0097, lines 3-5, paragraph 0106, lines 7-9 and Figures 1 & 2; M1, M2, M21 and M22); and means for connecting the call signal based on the determination (see paragraph 0067, lines 4-7 and paragraph 0086, lines 15-23).

Regarding claims 4 and 11, Muramatsu teaches all the limitations of claims 1, 8 and 15. In addition, Muramatsu further teaches a computer usable medium and method, wherein sending the services selection message comprises: sending an electronic message, the electronic message comprising a selection list, the selection list comprising one or more vehicle functions for control (see paragraph 0086, lines 16-23, Fig. 1; M3-M10 [showing a list of one or more vehicle functions for control] and Fig. 6).

Regarding claims 5, 12 and 18, Muramatsu teaches all the limitations of claims 1, 8 and 15. In addition, Muramatsu further teaches a method, computer usable medium and system, wherein means for monitoring a user response signal to the services selection message comprises: means for receiving an electronic signal corresponding to a selected vehicle function (see paragraph 0088, line 1 through paragraph 0089, line 11, paragraph 0067, lines 5-16 and paragraph 0071 through paragraph 0072, line 6).

Regarding claims 7, 14 and 20, Muramatsu teaches all the limitations of claims 1, 8 and 15. In addition, Muramatsu further teaches a method, computer usable medium and system, wherein means for sending a vehicle function command comprises: means for determining a selected vehicle function based on a received user response signal (see paragraph 0071, lines 6-17, paragraph 0087, lines 1-13 and paragraph 0089, lines 1-11 and Fig. 6); means for determining a vehicle function command corresponding to the selected vehicle function (see paragraph 0071, lines 6-17, paragraph 0087, lines 1-13 and paragraph 0089, lines 1-11 and Fig. 6); and means for routing the vehicle function command to a control entity for the selected vehicle function (see paragraph 0067, lines 5-16, paragraph 0071, line 8 through paragraph 0072, line 6 and Fig. 1).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Muramatsu, U.S. Publication Number 2003/0193390 (hereinafter Muramatsu)** as applied to claims 1, 8 and 15 above, and further in view of **Rigo et al., U.S. Publication Number 2002/0049535 A1 (hereinafter Rigo)**.

Regarding claims 6, 13 and 19, Muramatsu teaches all the limitations of claims 1, 8 and 15. Muramatsu fails to explicitly teach means for receiving a user utterance corresponding to a selected vehicle function.

Rigo, however, teaches a voice-actuated mobile telematics system; comprising a vehicle telematics unit coupled to a communication device and wherein the operator of the motor vehicle can request services through an interactive voice recognition circuit by uttering spoken commands through the interactive voice recognition circuit (see paragraph 0023, lines 1-19, paragraph 0043, lines 1-57 and Fig. 2).

It would therefore have been obvious to one of ordinary skill in the art at the time of the invention to modify the car control and vehicle remote control system of Muramatsu with Rigo to include a means for receiving a user utterance corresponding to a selected vehicle function to provide a hands-free environment, since all communication can be carried out by the voice means.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Flick, U.S. Publication Number 2003/0214392 A1 discloses remote start control system for starting an engine of a vehicle based on selected vehicle data carried by a data communications bus and associated methods.

Oyagi et al., U.S. Publication Number 2004/0242198 A1 discloses cellular telephone, controlling device mounted on vehicle, cellular telephone control method,

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control method for controlling device mounted on vehicle, cellular telephone control program, control program for controlling device mounted on vehicle, and recording medium.

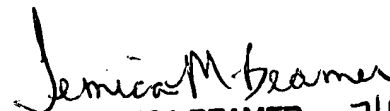
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony S. Addy whose telephone number is 571-272-7795. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony S. Addy  
July 07, 2005



TEMICA BEAMER 7/11/05  
PRIMARY EXAMINER